IN THE HIGH COURT OF JUDICATURE; ANDHRA PRADESH; AT HYDERABAD

THURSDAY THE FIFTH DAY OF JANUARY,
TWO THOUSAND AND SIX
PRESENT:
THE HON'BLE MRS. JUSTICE: T. MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE: K. C. BHANU

CRIMINAL APPEAL NO. 1343 OF 2003

(Criminal Appeal Under Section 378 (3) & (1) of Crl.P.C. against the judgment and decree of the Court of the Sessions Judge, Sessions Division, Vizianagaram and passed in S. C. No. 20 of 2002, dated 13-06-2002)

BETWEEN:
The Public Prosecutor, High Court of A.P., Hyderabad.

.. Appellant

AND

The Mandangi Dharma Rao S/O Koruvulu, Jatapu by Case, Gowduguda Village.

Respondent

The Appeal coming on for hearing upon perusing the Appeal and grounds filed herein in and the order of the High Court dated 24-12-2003 and 08-12-2005 made herein and upon hearing the arguments of the Public Prosecutor for the Appellant, the Court made the following

ORDER :

"On being mentioned, heard the learned public prosecutor.

The record goes to show that the criminal appeal has been preferred by the State against the order of acquittal dated 13-6-2002 in SC No. 20 of 2002 on the file of the Sessions Judge, Vizianagaram.

While admitting the appeal on 24-12-2003, a Division Bench of this Court ordered notice to the respondent – accused and also issued warrant as per section 390 Cr. P.C. , so as to produce the accused before the learned Sessions Judge, Vizianagaram.

Pursuant to the said warrant, the accused was taken into custody and sent to Central Prison, Visakhapatnam.

While so, during the pendency of the present appeal preferred by the State against the acquittal of the accused, the accused who has been in Central Prison, Visakhapatnam pursuant to the warrant issued under section 390 Cr. P.C. , on 24-12-2003, has submitted two representations dated 21-7-

2005 and 15-10-2005 praying to grant self bail on the ground that he was mentally suffering, for which he was admitted in the mental hospital for a period of three months from 20-3-2005 to 2-6-2005 and he is having wife and three daughters and he did not know the whereabouts of his family members as they are not visiting him.

(Contd. 2)

In view of the fact that the present appeal preferred by the State is against the acquittal and the accused has been in jail pursuant to the warrant issued by this Court under section 390 Cr. P.C. on 24-12-2003, we feel it appropriate to treat the recent representation dated 15-10-2005 submitted by the accused from the Central Prison as a bail application and consider the same directing the Jail Superintendent, Central Prison, Visakhapatnam to release him forthwith without stipulation of any conditions.

Accordingly, We direct the Jail Superintendent, Central Prison, Visakhapatnam, to release the accused (Mandangi Dharmarao R. P. No. 1322) forthwith without any sureties or any security.

However, it is made clear that the Jail Authorities shall inform the accused that an appeal in Crl. A. No. 1343 of 2003 is pending before this Court and proclamation has also been ordered under section 82 Cr. P.C and in that connection, he has to engage an advocate or approach the Legal service authority seeking legal aid for prosecuting the case on his behalf if he so desires."

ASSISTANT REGISTRAR

TRUE COPY

FOR ASSISTANT REGISTRAR

To

1. The Superintendent, Central Prison, Visakhapatnam. (BY SPEED POST)
2. The Sessions Judge, Sessions Division, Vizianagaram, Vizianagaram District.
3. The Mandangi Dharma Rao S/O Koruvulu, R. P. No. 1322 Central Prison,

Visakhapatnam.

4. Two CCs to the Public Prosecutor, High Court of A.P., Hyderabad (BY SPECIAL MESSENGER WITH A DIRECTION TO COMMUNICATE THIS O R D E R TO THE SUPERINTENDENT, C E N T R A L PRISON, VISAKHAPATNAM BY FAX)
5. The Section Officer, Criminal Section, High Court of A.P., Hyderabad.
6. The Member Secretary, Legal Services Authority, High Court of A.P., Hyderabad.
   (BY SPECIAL MESSENGER)
7. One spare copy.

BV

HIGH COURT

DT.17.10.2003

JUDGMENT
CRL.A.NO.1713 OF 2001

ALLOWING THE CRL.APPEAL